



State of Utah

Department of  
Environmental Quality

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DAQ-071-06

**MEMORANDUM**

**TO:** Air Quality Board

**THROUGH:** Richard Sprott, Executive Secretary

**FROM:** Eileen Brennan, MACT Coordinator

**DATE:** September 19, 2006

**SUBJECT:** Propose for Public Comment: R307-214-2, Incorporate by Reference Updates to Various Subparts of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAPS), MACT Standards.

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The National Emission Standards for Hazardous Air Pollutants (NESHAPS) are federal rules that regulate hazardous air pollutants (HAPs) and implement Section 112 of the Clean Air Act (CAA). These standards are also commonly referred to as Maximum Achievable Control Technology (MACT) standards, and are located in 40 CFR Part 63.

The 1990 CAA amendments required the EPA to list source categories to be regulated by MACT standards and a schedule for promulgation of the standards. These source categories and schedules have been published, and 101 MACT standards have been promulgated. Under R307-214-2, the Division has adopted 94 of the MACTs in 40 CFR 63, and has chosen not to adopt seven of the MACTs

The Division committed to adopting, implementing, and enforcing all applicable MACT standards in the Operating Permit Program submittal to EPA in April 1994. The Division demonstrated the resources necessary to carry out this commitment, and EPA approved the Operating Permit Program in part based upon this demonstration. As EPA promulgates new standards, the Division proposes the adoption of those standards that are potentially applicable to Utah sources.

By updating our rule, the State will ensure the enforcement of the most current versions of the MACTs, and will maintain primacy over administration of these standards on Utah sources. This will be consistent with the historical approach taken by the Department of Environmental Quality, and will simplify procedures required of sources.

Staff recommendation: Staff recommends the MACT rule be proposed for public comment. The proposed text for the modification to R307-214-2 is attached for your review.